



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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NJM  
F. #2017V01883

*271 Cadman Plaza East  
Brooklyn, New York 11201*

March 15, 2019

By ECF

The Honorable Raymond J. Dearie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Brian Chan  
Criminal Docket No. 90-1019-4 (RJD)

Dear Judge Dearie:

The government respectfully writes to request a 45-day adjournment of the deadline to respond to the pending petition in the above-referenced case. The government's response is currently due on or before March 25, 2019.

The Second Circuit permitted the petitioner to file a second or successive petition under 28 U.S.C. § 2255 in March 2018, and the petitioner filed his motion in this Court at that time. The Court initially ordered the government to respond to this petition no later than May 29, 2018.

In May 2018, counsel appeared for the petitioner and advised that a supplemental brief in support of the petition would be forthcoming. The government requested an extension of time to respond until after the supplemental brief was filed, and the Court granted the application. The petitioner filed an amended brief on December 13, 2018. On December 26, 2018, the Court ordered the government to respond on or before March 25, 2019. Because of the number of arguments raised by the petitioner, however, the government requests additional time to file a full response to the merits of the petitioner's pro se and counseled briefs.

This is the government's first request for an adjournment of the time to respond to the counseled brief in support of the petition. The government has conferred with counsel for the petitioner, who consents to the requested adjournment.

Respectfully submitted,

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United States Attorney

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